

AMENDMENTS TO THE CLAIMS

1. (Currently amended) A preventive or therapeutic agent for infection(s) with a pathogenic microorganism, containing a member of basidiomycetes belonging to a biologically pure culture of comprising *Tricholoma matsutake* FERM BP-7304 strain or an extract thereof.

2. (Cancelled)

3. (Original) The infection preventive or therapeutic agent according to claim 2 1, wherein *Tricholoma matsutake* FERM BP-7304 strain is a mycelium, a broth or a fruit body (including a spore).

4. (Cancelled)

5. (Withdrawn-Currently amended) The infection preventive or therapeutic agent according to claim 2 1, wherein the *Tricholoma matsutake* extract contains at least one of: a hot water extract of the mycelia of FERM BP-7304 strain; an alkaline solution extract of the mycelia of FERM BP-7304 strain; an anion exchange resin adsorption fraction of the hot water extract; and an anion exchange resin adsorption fraction of the alkaline solution extract.

6. (Withdrawn-Currently amended) The infection preventive or therapeutic agent according to claim 2 1, wherein the *Tricholoma matsutake* extract is an anion exchange resin adsorption fraction of a mixture obtained by mixing a hot water extract of the mycelia of the FERM BP-7304 strain with an alkaline solution extract of a mycelia residue when the mycelia hot water extract is obtained, wherein the anion exchange resin adsorption fraction has (a) a carbohydrate content of 60% to 72% in glucose equivalent determined by a phenol-sulfuric acid method and (b) a protein content of 28% to 40% in albumin equivalent determined by a copper-Folin method.

7. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for pathogenic bacteria.

8. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for a gram-negative bacterium.

9. **(Original)** The infection preventive or therapeutic agent according to claim 8, wherein the gram-negative bacterium is any of *Pseudomonas aeruginosa*, *Escherichia coli* including O-157, and *Helicobacter pylori*.

10. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for a gram-positive bacterium.

11. **(Original)** The infection preventive or therapeutic agent according to claim 10, wherein the gram-positive bacterium is *Listeria monocytogenes*.

12. **(Original)** A preventive or therapeutic agent for infection with a pathogenic microorganism, containing an infection preventive or therapeutic agent of claim 1 and an antibiotic.

13. **(Withdrawn-Currently amended)** A method of preventing or treating infection(s) with a pathogenic microorganism which comprises administrating to a human or an animal in an effective amount of the preventive or therapeutic agent of any one of claims ~~1-11~~ 1, 3 and 5-11.

14. **(Withdrawn-Currently amended)** A method of preventing or treating infection(s) with a pathogenic microorganism which comprises administrating to a human or an animal in an effective amount of the preventive or therapeutic agent of claim 12.

15. (Currently amended) A preventive or therapeutic food for infection with a pathogenic microorganism, containing a member of basidiomycetes belonging to a biologically pure culture of comprising *Tricholoma matsutake* FERM BP-7304 strain or an extract thereof.

16. (Cancelled)

17. (Currently amended) The infection preventive or therapeutic food according to claim +6 15, wherein a mycelium, a broth or a fruit body (including a spore) of *Tricholoma matsutake* FERM BP-7304 strain is used.

18. (Cancelled)

19. (Withdrawn-Currently amended) The infection preventive or therapeutic food according to claim +6 15, wherein the *Tricholoma matsutake* extract contains at least one of: a hot water extract of the mycelia of FERM BP-7304 strain; an alkaline solution extract of the mycelia of FERM BP-7304 strain; an anion exchange resin adsorption fraction of the hot water extract; and an anion exchange resin adsorption fraction of the alkaline solution extract.

20. (Withdrawn-Currently amended) The infection preventive or therapeutic food according to claim +6 15, wherein the *Tricholoma matsutake* extract is an anion exchange resin adsorption fraction of a mixture solution obtained by mixing a hot water extract of the mycelia of the FERM BP-7304 strain with an alkaline solution extract of a mycelia residue when the mycelia hot water extract is obtained, wherein the anion exchange resin adsorption fraction has (a) a carbohydrate content of 60% to 72% in glucose equivalent determined by a phe-nol-sulfuric acid method and (b) a protein content of 28% to 40% in albumin equivalent determined by a copper-Folin method.

21. **(Original)** The infection preventive or therapeutic food according to claim 15, which is intended for pathogenic bacteria.

22. **(Original)** The infection preventive or therapeutic food according to claim 15, which is intended for a gram-negative bacterium.

23. **(Original)** The infection preventive or therapeutic food according to claim 22, wherein the gram-negative bacterium is any of *Pseudomonas aeruginosa*, *Escherichia coli* including O-157, and *Helicobacter pylori*.

24. **(Original)** The infection preventive or therapeutic food according to claim 15, which is intended for a gram-positive bacterium.

25. **(Original)** The infection preventive or therapeutic food according to claim 24, wherein the gram-positive bacterium is *Listeria monocytogenes*.

26. **(Original)** A preventive or therapeutic food for infection with a pathogenic microorganism, containing an infection preventive or therapeutic food of claim 15 and an antibiotic.

27. **(Withdrawn-Currently amended)** A method of preventing or treating infection(s) with a pathogenic microorganism which comprises the intake of by a human or an animal in an effective amount of the preventive or therapeutic food of any one of claims ~~15-25~~ 15, 17 and 19-25.

28. (Withdrawn-Currently amended) A method of preventing or treating infection(s) with a pathogenic microorganism which comprises the intake of by a human or an animal in an effective amount of the preventive or therapeutic food of claim 26.